



U.S.C. § 2000d, or Title IX, 20 U.S.C. § 1681(a). The Complaint therefore should be dismissed under Rule 12(b)(6).

2. The Complaint fails to allege that Plaintiff Faculty, Alumni, and Students Opposed to Racial Preferences (“FASORP”) has Article III standing to bring and maintain this action, both because it fails to plead that any member of FASORP has suffered or will suffer any legally cognizable injury caused by the challenged practices and redressable by a judgment in FASORP’s favor and because it fails to establish that FASORP is a genuine membership organization that represents the interests of its members. This action should therefore be dismissed for lack of jurisdiction under Rule 12(b)(1).

Harvard therefore respectfully requests that the Court dismiss FASORP’s complaint with prejudice.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Harvard respectfully requests oral argument of this Motion.

Respectfully submitted,

/s/ Seth P. Waxman

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*Attorneys for Defendants Harvard Law School and  
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Dated: December 17, 2018

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that on December 13, 2018, I conferred by phone with Plaintiff's counsel in a good faith attempt to resolve or narrow the issues involved in this motion.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Seth P. Waxman  
Seth P. Waxman